

EXHIBIT U

In the Matter Of:
UNITED STATES vs STATE OF GEORGIA

1:16-cv-03088-ELR

CELEST NGEVE

July 15, 2022



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1 Q What school is that?

2 A Oglethorpe Avenue Elementary School.

3 Q So Rutland Academy gets its meals from
4 Oglethorpe?

5 A Yes.

6 Q Okay. Does Rutland provide any attendance
7 reports to the State Department of Education?

8 A Not that I can recall.

9 Q Do the attendance rates at Rutland affect
10 any funding that it receives?

11 A I'm not aware.

12 MS. WOMACK: I would like to ask that the
13 court reporter please mark this as Plaintiff's
14 Exhibit 218.

15 (Plaintiff's Exhibit 218 was marked for
16 identification purposes.)

17 Q (By Ms. Womack) Ms. Ngeve, you have been
18 handed a document that has been marked as
19 Plaintiff's Exhibit 218. This is a document that
20 bears the Bates stamp GA00338047. Do you recognize
21 this document?

22 A Yes.

23 Q Is this an email that you sent to Vickie
24 Cleveland on December 14th, 2018, with the subject
25 line "Re: Enrollment info"?

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1 A Yes.

2 Q And in that email you were responding to
3 an earlier email that Ms. Cleveland sent to you that
4 same day; is that correct?

5 A That's correct.

6 Q In that email Ms. Cleveland says, "Data
7 reflects your current enrollment numbers reported by
8 you and the FY 18 FTE count. Difference is 37
9 students. I need to know who the students are that
10 transitioned back and what services they are
11 currently receiving and the (location). See
12 attached spreadsheet. Please send this information
13 via portal email to me and copy Lakesha by December
14 18th." Do you see that?

15 A Yes.

16 Q And in this email Ms. Cleveland directs
17 you to a spreadsheet; correct?

18 A Yes.

19 Q And that spreadsheet follows beneath her
20 email?

21 A Yes.

22 Q That spreadsheet shows that Rutland's FY18
23 FTE count is 135, but the numbers it reported as of
24 December 14th, 2018, were 98 students; correct?

25 A That's what it shows.

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1 Q What does "FTE count" mean?

2 A That's when the count -- the counts are
3 happening each year for FTE -- the acronym I can't
4 remember at this exact moment -- but it's the counts
5 for the districts that the districts actually put in
6 for funding.

7 Q Okay. And do you know if FTE stands for a
8 "full-time equivalent"?

9 A I don't know.

10 Q Okay.

11 A I can't remember.

12 Q And so you said there is a connection
13 between FTE count and funding?

14 A Yes, for the districts.

15 Q And here it looks like the student count
16 for purposes of determining any such funding was
17 higher than the student count as of mid-December
18 2018?

19 A Correct.

20 Q Ms. Cleveland asks you to please send the
21 information that she's requesting about who the
22 students are that transitioned back and what
23 services they're currently receiving via portal
24 email; is that right?

25 A Yes.

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1 Q What is portal email?

2 A It's the -- the portal for the Georgia
3 Department of Education. It's a protected -- it's
4 more of a protected-type email.

5 Q Do you communicate with the Georgia
6 Department of Education through that portal?

7 A Yes. For -- with Vickie and LaKesha.

8 Q Okay. And then I take it you also
9 communicate with them by ordinary email as well?

10 A Correct.

11 Q Did you have any understanding of why
12 Ms. Cleveland needed to know who the students were
13 who transitioned back and what services they were
14 currently receiving and the location?

15 A I don't recall.

16 Q Do you have any understanding, sitting
17 here today, of why she would have needed that
18 information?

19 A Likely was just because the numbers were
20 not in alignment as it relate -- related to state
21 reporting.

22 Q And is that something that Ms. Cleveland
23 monitors?

24 A I'm unsure if that's a consistent thing --
25 that's something she consistently monitors, but I

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1 would -- I'm unsure.

2 Q Okay. But in this case, when there was a
3 misalignment, she reached out to you and asked you
4 to clarify?

5 A Correct.

6 Q In your email you say, "That's a big
7 discrepancy. Our numbers have been lower this
8 school year and we haven't had 137 at one time since
9 the year started, yet I will get this to you ASAP
10 (prior to the deadline)." Do you see that?

11 A Yes.

12 Q Did you provide the information that
13 Ms. Cleveland requested?

14 A I don't remember.

15 Q Would you expect that you would have
16 provided it?

17 A Absolutely, yes.

18 Q Have you received other sorts of requests
19 like this from Ms. Cleveland about enrollment at
20 Rutland Academy GNETS program?

21 A Yes.

22 Q And tell me about those.

23 A If it was reported -- if there was a -- if
24 the reporting numbers were showing that it was
25 higher or a different number from what we had, she

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1 would want us to -- want me to find out exactly why
2 there was a discrepancy.

3 Q Mm-hmm.

4 MS. WOMACK: I'm going to ask the court
5 reporter to mark this as Plaintiff's Exhibit
6 219.

7 (Plaintiff's Exhibit 219 was marked for
8 identification purposes.)

9 Q (By Ms. Womack) Ms. Ngeve, you have been
10 handed a document that is Bates-stamped GA00338196.

11 A Yes.

12 Q Do you recognize this document?

13 A Yes.

14 Q Is this an email from you to Vickie
15 Cleveland dated December 18th, 2018, with the
16 subject "Re: Clarification on enrollment info"?

17 A Yes.

18 Q Is it accurate that in this email you
19 follow up with Ms. Cleveland to let her know that
20 you are having difficulty getting into the portal?

21 A Yes.

22 Q And this email follows the earlier email
23 exchange between you and Ms. Cleveland that we
24 discussed in Plaintiff's Exhibit 218?

25 A Yes.

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portal?

A Testing coordinators from the districts if they need to send something regarding testing that's confidential. Them as well as Vickie or LaKesha from the State Department.

Q Okay. Anyone else?

A No.

MS. WOMACK: Okay.

Okay. I think we can break for lunch, if that works for everyone.

THE WITNESS: Okay.

MR. MURPHY: Okay.

THE VIDEOGRAPHER: We are off the record at 1:28.

(Luncheon recess taken.)

THE VIDEOGRAPHER: And we are back on the record at 2:10 p.m.

Q (By Ms. Womack) Ms. Ngeve, before we broke for lunch, we were talking a little bit about the students at Rutland GNETS Academy. Do you recall that?

A Yes.

Q And sort of at the beginning of that conversation, you started to tell me a little bit about the referral process and how students come to

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1 be at Rutland GNETS Academy. Do you recall that?

2 A Yes.

3 Q And I believe when you were beginning to
4 explain that, it sounded like there are sort of two
5 separate types of forms or documents that you use:
6 one for students who are being considered for GNETS
7 services and the other that is more of a
8 consultative request. Am I summarizing that
9 accurately?

10 A That's correct.

11 Q Okay. So I want to talk first about that
12 request for consultative services.

13 MS. WOMACK: I am going to ask the court
14 reporter to mark this as Plaintiff's Exhibit
15 221.

16 (Plaintiff's Exhibit 221 was marked for
17 identification purposes.)

18 Q (By Ms. Womack) Ms. Ngeve, you have been
19 handed what's been marked as Plaintiff's Exhibit
20 221. It bears a Bates stamp of Rutland 000297. Do
21 you recognize this document?

22 A Yes.

23 Q What is this document?

24 A This is a document, GNETS Request for
25 Consultation. It's a Request for GNETS Consultation

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1 form.

2 Q Did you create this document?

3 A No.

4 Q Who created this document?

5 A GNETS directors, along with the State
6 Department for GNETS.

7 Q And do you know if this is a document
8 that's used across various GNETS programs?

9 A Yes.

10 Q How did you -- how did you first receive
11 copies of this document?

12 A They were sent via email to our former
13 director, and she shared it with us -- with me.

14 Q Okay. So you first became familiar with
15 this form through your former director at Rutland
16 Academy?

17 A Yes.

18 Q And does Rutland Academy use this
19 document?

20 A Yes.

21 Q And what is the document used for?

22 A It's for -- it's when districts would like
23 to request for consultative support from Rutland
24 Academy.

25 Q When districts want to request

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1 document that information, what I saw in the
2 observation, any new recommendations, any
3 suggestions for the setting, or anything that might
4 be helpful for that student in that particular
5 setting or that classroom structure. And then I
6 provide that the special ed director and the --
7 anyone else they designate to have that information,
8 such as the school administrators.

9 Q Okay. Do you keep -- do you maintain
10 records at Rutland Academy of each consultation?

11 A Yes.

12 Q Are those records maintained
13 electronically? in paper form? How is that done?

14 A Both.

15 Q Both. So it's a paper form, and then you
16 also retain it electronically?

17 A Yes.

18 Q Okay. Are you personally responsible for
19 maintaining those records?

20 A Myself, as well as our coordinator, yes.

21 Q Okay. On this form in the -- the text box
22 that appears in the middle, it says, "Please review
23 the Guiding Questions for Consideration of GNETS
24 Services as well as the GNETS Services Flow Chart to
25 assist in appropriate educational planning for the

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1 student." Do you see that?

2 A Yes.

3 Q What are the guiding questions for
4 consideration of GNETS services?

5 A The guiding questions are in alignment
6 with the GNETS Board rule that all the GNETS
7 directors use, we provide to all the LEAs that we
8 serve when they're considering a student for GNETS
9 placement.

10 Q So you said the guiding questions are
11 questions that all of the GNETS directors use?

12 A Yes. They're in alignment with the GNETS
13 Board rule.

14 Q And when you they're in alignment with the
15 GNETS Board rule, what do you mean by that?

16 A The GNETS Board rule -- there's questions
17 that -- that guide decision-making for students, and
18 it's in alignment with what the GNETS Board rule
19 indicates.

20 Q And when you say the questions are in
21 alignment with what the GNETS Board rule indicates,
22 is it accurate to say that those questions help
23 ensure that that Board rule is being complied with?

24 A Yes.

25 Q This also references the GNETS services

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1 flow chart. Do you see that?

2 A Yes.

3 Q What is the GNETS services flow chart?

4 A It tell -- it's a flow chart that shows
5 how students could potentially be -- be considered
6 for GNETS placement, some of the things that happen
7 first and some of the things -- different services
8 that are provided in the districts prior to.

9 Q Okay. And is that flow chart kind of a --
10 almost like a text road map where, if the answers to
11 some questions are yes or no, it takes you to
12 different pathways or conclusions?

13 A Not exactly.

14 Q Okay. How is it set up?

15 A It just kind of indicates, you know, if
16 the student is coming from this particular type of
17 setting and they have had some of these type of
18 services, they may or may not be eligible for --
19 be -- be someone that you might want to consider for
20 GNETS placement. Just kind of gives you a guide, an
21 example.

22 Q Okay. Is the GNETS services flow chart
23 aligned to the State Board GNETS rule in the same
24 way that the guiding questions for consideration of
25 GNETS service are?

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1 A Yes.

2 Q So that GNETS services flow chart also
3 helps ensure compliance with the State Board GNETS
4 rule?

5 A Correct, yes.

6 Q Turning to the second page of this
7 document, which is Bates-stamped Rutland 000298,
8 this has a section where it says, "Check the
9 Consultative Services you would like for GNETS to
10 provide (choose one)." Do you see that?

11 A Yes.

12 Q Are these the only consultative services
13 that you provide in connection with your role as
14 director of the Rutland GNETS Academy?

15 A Yes.

16 Q Is there anything else that occurs in the
17 process by which the school systems that have the
18 ability to -- to refer students to Rutland
19 Academy -- is there anything else that occurs in the
20 process of Rutland Academy providing consultative
21 services to those school systems that we have not
22 discussed yet?

23 A Yes, there is -- there -- there are.

24 Q What are those things?

25 A Sometimes a district may want a certain

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1 Q Okay. And to what group of staff or
2 individuals did you consult on the student
3 achievement model?

4 A I provided one across districts; so they
5 came here. So across multiple districts that we
6 serve, they were able to come for the training. And
7 I also provided that training for administrators in
8 Madison County as well.

9 Q Okay. And the training that was provided
10 here that was for multiple districts -- how many
11 districts participated in that?

12 A I can't remember the exact number of this
13 last one.

14 Q Okay. Do you have a rough estimate?

15 A Three to six.

16 Q Okay. All right. So now I want to talk a
17 little bit about the referral process as it relates
18 to students who are actually being referred for
19 consideration of services at Rutland Academy GNETS.
20 I believe you mentioned earlier that there were some
21 consideration documents; is that correct?

22 A Yes.

23 Q Tell me a little bit more about those.

24 A There's a consideration student
25 information packet form that basically indicates,

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1 like, what they're wanting as far as what's going on
2 with that -- with that student and why they might
3 feel like GNETS services might be -- might be
4 helpful for this student at that time.

5 MS. WOMACK: Okay. I'm going to ask the
6 court reporter to please mark this document as
7 Plaintiff's Exhibit 222.

8 (Plaintiff's Exhibit 222 was marked for
9 identification purposes.)

10 Q (By Ms. Womack) Ms. Ngeve, you have been
11 handed Plaintiff's Exhibit 222, which is a document
12 Bates-stamped Rutland 000291. The, sort of, title
13 of this document appears to be "Georgia Network for
14 Educational and Therapeutic Support Confidential
15 Student Information Packet." Is this the document
16 that you were just referring to?

17 A Yes.

18 Q Okay. And so you mentioned that, for a
19 student who is being referred for consideration of
20 GNETS services at Rutland Academy, this form would
21 be completed?

22 A Correct.

23 Q Who would complete this form on behalf of
24 a student that was being referred for consideration
25 of GNETS services?

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1 A It depends. It could be -- it depends.

2 Q What are the -- what are the options for
3 who might complete this packet on behalf of a
4 student?

5 A It might be the special education director
6 or the special education coordinator, the
7 administrator in conjunction with the special
8 education director or coordinator. It could be the
9 behavioral support person in conjunction with the
10 LEA, the -- sorry -- special ed director and the
11 caseload manager. It could be multiple people on
12 the IEP team that are within the school and even
13 including with the parent that might be providing
14 some information for it. So it just depends.

15 Q So would it be fair to say that this
16 packet would be completed by someone affiliated with
17 the referring school system?

18 A Yes.

19 Q Okay. This packet is not completed by
20 Rutland?

21 A No.

22 Q Once this packet is completed, what
23 happens next?

24 A Once it's completed, they send the
25 information to me; and then I review the packet.

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1 Q Okay. And when you review the packet,
2 what do you review the packet for?

3 A To make sure that all the components of
4 the packet are -- are there, using the guiding
5 questions to make sure that everything that should
6 be there is there.

7 Q Okay. So the guiding questions are the
8 guiding questions for consideration of GNETS
9 services that we talked about already?

10 A Correct.

11 Q Okay. And those guiding questions for
12 consideration of GNETS services tell you what the
13 required components are of the packet that should be
14 there?

15 A Yes.

16 Q Okay. Once you have reviewed the packet
17 to determine whether all of the required components
18 are there, what do you do after that?

19 A I communicate with the special education
20 director or coordinator to let them know either I
21 have everything that -- that we're -- that we're
22 supposed to have in the packet or we're missing some
23 additional documents, and I ask for those documents.

24 Q Okay. Once you have done that, what
25 happens after that?

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1 Q Did you create this confidential student
2 information packet?

3 A No.

4 Q Who created it?

5 A The State Department in conjunction with
6 some special -- some of the GNETS directors.

7 Q And how did you come into possession of
8 copies of this confidential student information
9 packet?

10 A Initially through my former director.

11 Q Okay. So you received this confidential
12 student information packet through your former
13 director, just like you received the request for
14 consultation document through your former director?

15 A Correct.

16 Q Tell me a bit more about what happens in
17 the IEP meeting where consideration of GNETS
18 services is discussed for a student.

19 A Are you wanting to -- are you asking about
20 just the general consist of what happens in those
21 meetings, or are you asking about something specific
22 in the meetings?

23 Q Just generally, how does the meeting
24 proceed? Who else is in attendance? What occurs?

25 A Well, to begin with, introductions; and

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1 for Rutland Academy?

2 A Correct.

3 Q Did that student at some later time end up
4 coming to Rutland Academy?

5 A No.

6 MS. WOMACK: I am going to ask the court
7 reporter to please mark this document as
8 Plaintiff's Exhibit 223.

9 (Plaintiff's Exhibit 223 was marked for
10 identification purposes.)

11 Q (By Ms. Womack) Ms. Ngeve, you have been
12 handed what's been marked as Plaintiff's Exhibit
13 223. This is a document Bates-stamped Rutland
14 000299. It's titled "GNETS Services Flow Chart."
15 Do you recognize this document?

16 A Yes.

17 Q Is this the GNETS services flow chart that
18 we have been discussing today?

19 A Yes.

20 Q Did you create this flow chart?

21 A No.

22 Q Who created this flow chart?

23 A Some -- some of the GNETS directors, in
24 addition to the State Department for GNETS.

25 Q And did you first come into possession of

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1 this GNETS services flow chart in the same way that
2 you came into possession of the confidential student
3 information packet and the request for consultation?

4 A Yes.

5 Q And that's from your former director?

6 A Correct.

7 Q Do you use this document?

8 A Yes.

9 Q And how do you use this document?

10 A To ensure that whenever -- to make sure
11 that I'm looking -- I'm constantly, you know,
12 following the process in which it should be followed
13 and making sure -- and I also present it to our
14 special education directors and coordinators at the
15 beginning of the school year each year. And
16 sometimes if there is a new -- there's new directors
17 that come on, I make sure they have a copy of it as
18 well as everyone else from, you know, all the 13
19 school districts, the LEAs.

20 Q Okay. And when you say you use this
21 document to follow the process as it should be
22 followed --

23 A Yes.

24 Q -- what is the basis for how the process
25 should be followed? Where does that come from?

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1 A Where does the basis come from?

2 Q Yeah. When you say this is to ensure that
3 you're following the process as it should be
4 followed, I'm just wondering what is -- who sets the
5 standard for how the process should be followed?

6 A The board rule from the State Department.

7 Q Okay. So this is aligned to the State
8 Board GNETS rule as well?

9 A Correct.

10 Q Okay. So looking at the top of this
11 document, in the sort of top text box, it says, "A
12 student currently being served in SPED has behavior
13 problems at their school and it is believed GNETS
14 may be an option." Do you see that?

15 A Yes.

16 Q And "served in SPED" -- does that mean
17 served in special education?

18 A Yes.

19 Q And then this goes on to say, "GNETS
20 services are only for students served in SPED."
21 And, again, SPED meaning special education?

22 A Correct.

23 Q What is the basis for this statement that
24 GNETS services are only for students served in
25 special education?

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1 it's a phone call that starts it, where the parent
2 calls and says, hey, we're moving here and our kid
3 will be going to this school.

4 If they call us, we contact the district. We
5 say, okay, "What district are you moving to?" And
6 if they contact the district, then the district
7 tries to figure out, okay, what day are you going to
8 be here so we can go ahead and get that student
9 enrolled in school.

10 Q Okay.

11 MS. WOMACK: I am going to ask the court
12 reporter to please mark this document as
13 Plaintiff's Exhibit 224.

14 (Plaintiff's Exhibit 224 was marked for
15 identification purposes.)

16 THE WITNESS: Thank you.

17 Q (By Ms. Womack) Ms. Ngeve, you have been
18 handed what is marked as Plaintiff's Exhibit 224.
19 This is a document, bears the Bates stamp
20 GA00354672. It is an email from you to Vickie
21 Cleveland dated October 25th, 2019, with the subject
22 "Re: J. Brown." Do you recognize this document?

23 A Yes.

24 Q This is an email thread between you and
25 Vickie Cleveland; is that correct?

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1 A Yes.

2 Q I will just note for you that on the
3 second page of this document we have redacted the
4 student's first name, where it has appeared, for
5 confidentiality purposes.

6 A Yes.

7 Q If you look towards the bottom of the
8 first page, do you see the email that you sent to
9 Vickie Cleveland and LaKesha Stevenson on October
10 17, 2019?

11 A Yes.

12 Q And in this email you say, "Clarke has a
13 kiddo that is returning from YDC. He previously
14 attended Rutland before going to YDC, though his
15 behaviors were more conduct in nature. Either way,
16 I know he'd return here when coming back from YDC as
17 we were the last placement prior to YDC. Mom
18 doesn't want him to return to Rutland. I want to
19 double check just for my own clarity. If mom
20 decides she doesn't want him to return here, won't
21 her parent rights override Clarke wanting him to
22 return here? I noticed in the verbiage that one of
23 the Clarke coordinators sent (below) that she is
24 telling the DHS case manager that the student has to
25 return to Rutland, yet I was thinking that if mom

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1 doesn't agree to placement, when we meet, the
2 district has to support him in another way. Is this
3 correct? Again, I'm seeking clarity to make sure I
4 am adequately prepared for the meeting."

5 Have I read your email to Ms. Cleveland and --
6 and Ms. Stevenson accurately?

7 A Yes.

8 Q What is YDC?

9 A Youth detention center.

10 Q Okay. And Clarke County is one of the
11 school systems that Rutland Academy and GNETS
12 program serves; is that right?

13 A Yes.

14 Q And so am I correct in understanding from
15 this email that here you are reaching out to
16 Ms. Cleveland and Ms. Stevenson because you
17 understand that one of the Clarke County special
18 education coordinators is saying that the student at
19 issue here must be placed at Rutland despite the
20 student's mom not wanting him to be placed there?

21 A Correct.

22 Q Were you looking for Ms. Cleveland and
23 Ms. Stevenson to clarify whether the Clarke County
24 special education coordinator was correct?

25 A Yes.

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1 A Yes, I know.

2 Q And what happened to the student after
3 they were released from YDC?

4 A They didn't come to Rutland. They didn't
5 go back to their home setting; so it ended up being
6 a DFCS situation. But they went to another
7 location. I'm not sure what happened.

8 Q Okay. So that student did not come to
9 Rutland, and the student also did not go back to
10 Clarke County?

11 A As I recall, correct.

12 Q Okay.

13 MS. WOMACK: I would like to hand the
14 court reporter what I would like to have marked
15 as Plaintiff's Exhibit 225.

16 (Plaintiff's Exhibit 225 was marked for
17 identification purposes, later correctly marked
18 as Plaintiff's Exhibit 199.)

19 THE WITNESS: Thank you.

20 MS. WOMACK: Actually, I need to correct
21 the record. I apologize. This document has
22 previously been marked as Plaintiff's Exhibit
23 199. That deposition occurred so close in time
24 to this that there is no stamped exhibit; so we
25 can correct the markings on that document.

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1 THE WITNESS: Do you want me to hand it
2 back?

3 Q (By Ms. Womack) No. You can -- you can
4 hang on to it for now, and we will make sure that we
5 correct it at the end of the deposition.

6 That document bears a sort of unique numerical
7 identifier at the bottom that is 000361. Ms. Ngeve,
8 are you familiar with this document?

9 A Yes.

10 Q Is this the Guiding Questions for
11 Considering of GNETS Services that has come up
12 multiple times in our conversation today?

13 A Yes.

14 Q Does Rutland Academy use these Guiding
15 Questions for Consideration of GNETS Services
16 document?

17 A Yes.

18 Q And tell me how Rutland uses this
19 document.

20 A One way is I provide it to all the G --
21 all the special education directors and coordinators
22 to make sure they have all the information so they
23 can actually use this form prior to submitting a
24 packet to make sure they have all the information
25 together.

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1 Then the second thing I do with it is I use it
2 whenever a packet is sent in to me, a student
3 information packet is sent in to me, and I actually
4 use it to -- to indicate if everything is there
5 according to the guiding questions.

6 Q Okay. And am I remembering correctly that
7 you told me earlier that this document is aligned to
8 the State Board of Education GNETS rule?

9 A Correct.

10 Q And so when you're using this document to
11 make sure that everything that's supposed to be in
12 the confidential student information packet is
13 there, you're doing that to ensure that you are
14 complying with the State Board of Education GNETS
15 rule?

16 A Correct.

17 Q Did you create this document?

18 A No.

19 Q Who created this document?

20 A The State Department for GNETS as well as
21 some -- some of the GNETS directors.

22 Q Is it your understanding that other GNETS
23 programs use this same document?

24 A Yes. All.

25 Q All of them?

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1 A All use it, yes.

2 Q Okay. Does Rutland Academy keep records
3 of what students are referred to its GNETS program
4 and what the outcomes of those referrals are?

5 A Yes.

6 Q How does Rutland keep those records?

7 A We have a referral tracking notebook where
8 we actually indicate whenever a file comes in, and
9 then we go back and indicate if the student was
10 placed or if they were not placed.

11 Q Okay. Do you maintain those record
12 logbooks, you know, kind of on a longer-term basis?

13 A Yes.

14 Q And how do you maintain them?

15 A We keep them locked in our -- in our
16 intake office with all the documentation.

17 Q Are those records maintained in paper
18 form?

19 A Excuse me. Yes.

20 Q Do you maintain them in any form other
21 than paper?

22 A Sometimes. It depends on how it was
23 submitted. If it was submitted to us
24 electronically, then we may save it on -- we
25 previously saved it on our shared server under

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1 reach out to the State Department of Education, who
2 specifically do you reach out to?

3 A Vickie Cleveland or LaKesha Stevenson.

4 Q Okay. It sounds like many of the kinds of
5 questions that you reach out to Ms. Cleveland or
6 Ms. Stevenson for are when you are unsure about
7 certain things and you're looking for clarification;
8 is that fair?

9 A Yes, that's fair.

10 Q And why do you reach out to
11 Ms. Cleveland -- Ms. Cleveland or Ms. Stevenson?
12 Why those two individuals?

13 A Since they are the program, you know,
14 director and coordinator for GNETS and they -- they
15 often will -- you know, they just -- I just feel
16 like they have great wisdom, and I want to make sure
17 that is there any recommendations or something else
18 I can be doing differently to support our districts
19 because I want to make sure we're supporting them
20 and providing them with all that they need, so --

21 Q Are Ms. Cleveland and Ms. Stevenson
22 generally responsive to your requests?

23 A Oh, yes.

24 MS. WOMACK: I would like to have this
25 document marked as Plaintiff's Exhibit 226.

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1 (Plaintiff's Exhibit 226 was marked for
2 identification purposes.)

3 Q (By Ms. Womack) Ms. Ngeve, you have been
4 handed what has been marked as Plaintiff's Exhibit
5 226. This is a document Bates-stamped GA00356905.
6 It's an email from you to Vickie Cleveland dated
7 January 3rd, 2020. The subject is "Chat?" Do you
8 recognize this document?

9 A Yes.

10 Q Is this an email that you sent to Vickie
11 Cleveland?

12 A Yes.

13 Q And is this an example of what we were
14 just discussing, you reaching out to Ms. Cleveland
15 to discuss a student that a district wants to send
16 to Rutland?

17 A Yes.

18 Q Do you recall what this email -- the
19 situation that this email related to?

20 A No.

21 Q Okay. Once a student arrives at Rutland
22 Academy, are they given any assessments to determine
23 where they are, either behavior -- behaviorally or
24 academically?

25 A Yes.

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1 it depends. It depends if it's close to that -- to
2 the IEP -- annual IEP date that's coming up, they
3 may do that. If the IEP is in November and the
4 student starts in October, it's good to kind of get
5 that updated information because it may be helpful
6 as it comes to planning and helping support the
7 student. So it depends.

8 Q Is the typical practice to administer the
9 BASC close to a student's annual IEP meeting?

10 A We do them at the beginning of the school
11 year for all students, but then we also do it closer
12 to the actual IEP date.

13 Q Okay. Understood. And who made the
14 decision that the BASC would be administered?

15 A I -- I -- I -- I made the decision for it
16 to continue, but it was previously done here by
17 former directors.

18 Q Who made the decision when it began to be
19 used?

20 A A former director.

21 Q A former director?

22 A Yes.

23 Q In terms of assessing students -- or
24 assessing where students are academically when they
25 arrive at Rutland Academy, are there any assessments

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1 given?

2 A Yes.

3 Q And what are those?

4 A Usually we use i-Ready to get the
5 baseline. We get the diagnostic data. And that's
6 going to let us know, math and reading, where they
7 are academically. And we provide incentives for the
8 students so they actually try their best to do it,
9 and we can get a really good gauge of where they are
10 academically.

11 We also -- depending on the data that's
12 provided from the district, we may start with them
13 having, like, a Wilson reading assessment to really
14 understand where they are with their reading level
15 and assess them within that first week to find out
16 if they may need to be at a higher level of books
17 than what it was deemed prior to them coming here,
18 because sometimes students may or may not have put
19 in their best effort in previous settings; so it may
20 not be accurate information.

21 Q Okay. So students are assessed
22 academically as to where they are with i-Ready and
23 then also possibly the Wilson reading assessment?

24 A Yes. And for some students Foundations as
25 well with -- with reading.

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1 Q Okay. And who made the decision that
2 students would be assessed academically using
3 i-Ready?

4 A i-Ready is from the State Department.
5 We all -- all the GNETS use i-Ready, but then I, you
6 know, make sure that we're doing that as well.

7 Q Okay. And when you say it's from the
8 State Department that all the GNETS programs use
9 that, you're saying that i-Ready is something that
10 the State Department has indicated that -- that all
11 the GNETS programs should use?

12 A Yes.

13 Q Okay. And then you reinforce that by
14 making sure that it's actually implemented?

15 A Correct, yes.

16 Q What about the Wilson reading assessment?
17 Who made the decision that that would be used as an
18 assessment?

19 A Myself, along with our reading specialist
20 from RESA. She provided that training to our
21 teachers, and she always provides it to any new
22 teachers that might be teaching reading. So she
23 kind of helped us really increase our rigor with
24 making sure that reading was a primary focus after
25 looking at data across time and realizing that that

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1 was a curriculum that was helpful for our students.
2 And our other districts were using it as well.

3 Q Okay. And then who made the decision
4 about using Foundations where that's used to assess
5 reading?

6 A Again, myself, along with our reading
7 specialist from RESA.

8 MS. WOMACK: I would like to have this
9 document marked as Plaintiff's Exhibit 227.

10 (Plaintiff's Exhibit 227 was marked for
11 identification purposes.)

12 THE WITNESS: Thank you.

13 Q (By Ms. Womack) Ms. Ngeve, you have been
14 handed what's been marked as Plaintiff's Exhibit
15 227. This is a document bearing the Bates number
16 GA00362585. It is an email from you to Vickie
17 Cleveland dated October 6, 2020. The subject is
18 "Re: SDQ/BASC," B-A-S-C, "Follow-up." Do you
19 recognize this document?

20 A Yes.

21 Q And am I correct that this is an email
22 exchange between you and Vickie Cleveland regarding
23 SDQ and BASC?

24 A Yes.

25 Q Your email to Ms. Cleveland responds to an

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1 earlier email from Ms. Cleveland that you received;
2 is that correct?

3 A Yes.

4 Q Does it appear that that email that you
5 received from Ms. Cleveland was sent to -- it's
6 addressed "Directors." Do you see that?

7 A I do.

8 Q Was that email sent to all the GNETS
9 directors?

10 A I don't know.

11 Q But the email is directed to directors?

12 A Correct.

13 Q Okay. And you received this email?

14 A Yes.

15 Q In Ms. Cleveland's email that you
16 received, she says, "This is" -- "This email is a
17 follow up to our directors on last week regarding
18 the SDQ and BASC assessments. See the guidance
19 below." Do you see that?

20 A Yes.

21 Q Is this referring to a GNETS directors'
22 meeting?

23 A Yes.

24 Q Had you met with Ms. Cleveland at a GNETS
25 directors' meeting prior to receiving this email?

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1 A I'm unsure of the exact date, but -- of
2 the meeting or if I -- if I was present at that
3 meeting.

4 Q Mm-hmm. In number 1 in Ms Cleveland's
5 email that you received, she says, "Please disregard
6 the previous testing calendar that was sent. These
7 dates are not set in stone. You have flexibility as
8 to when you administer the assessment." Do you see
9 that?

10 A Yes.

11 Q What assessment is -- is this referring
12 to?

13 A I'm not sure at this time.

14 Q Is it -- do you understand from this email
15 that it's referring either to the SDQ or the BASC
16 assessment?

17 A Potentially.

18 Q You didn't -- sitting here today, you
19 don't have any understanding of what you understood
20 this email to mean?

21 A Not that particular line as far as which
22 exact assessment that she was referring to, whether
23 it's SDQ or BASC or either of those, since it
24 mentioned a previous meeting.

25 Q Further down, Ms. Cleveland says, "We have

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1 found SDQ & BASC completion ONCE a year is adequate
2 to drive IEP development. Each GNETS has the
3 flexibility to determine administering these
4 assessments more than once a year if you choose."
5 Do you see that?

6 A Yes.

7 Q Do you understand this to mean that the
8 SDQ and BASC need to be administered at least once a
9 year?

10 A Yes.

11 Q Ms. Cleveland notes that SDQ and BASC
12 completion drive IEP development. Do you see that?

13 A Yes.

14 Q Do you agree with that?

15 MR. MURPHY: Are you asking her about the
16 time line in terms of once a year or that it's
17 adequate to drive IEP development in general?

18 Q (By Ms. Womack) Yeah, so -- so here
19 Ms. Cleveland says, "We have found SDQ & BASC
20 completion ONCE a year is adequate to drive IEP
21 development," and I'm asking do you agree with that?

22 A That it being done once a year is
23 adequate?

24 Q To drive IEP development?

25 A In some cases, yes, to help.

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1 A No.

2 MR. MURPHY: Before we move on from this
3 exhibit, can I can ask --

4 MS. WOMACK: Mm-hmm.

5 MR. MURPHY: Every time that y'all have
6 been referring to the "BASC," sometimes I
7 thought it sounded like "BAS," B-A-S, but you
8 have always been referring to the B -- the
9 B-A-S-C, the instrument referenced in Exhibit
10 227?

11 THE WITNESS: Yes.

12 MR. MURPHY: Is that right? Have you got
13 that?

14 MS. WOMACK: We can provide it.

15 MR. MURPHY: Okay.

16 MS. WOMACK: I am going to ask the court
17 reporter to please mark this document as
18 Plaintiff's Exhibit 228.

19 (Plaintiff's Exhibit 228 was marked for
20 identification purposes.)

21 Q (By Ms. Womack) Ms. Ngeve, you have been
22 handed what has been marked as Plaintiff's Exhibit
23 228. This is a document bearing the Bates stamp
24 GA00055066. At the top this is an email from you to
25 Vickie Cleveland dated December 2nd, 2020. The

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1 subject is "Re: File review." Do you recognize this
2 document?

3 A Yes.

4 Q And am I correct that your email to
5 Ms. Cleveland responds to an earlier email that
6 Ms. Cleveland sent that you received?

7 A Yes.

8 Q And is Ms. Cleveland's email directed to
9 the group directors?

10 A Yes. It says, "Greetings Directors."

11 Q Okay. And she goes on to say, "Just
12 updating everyone on the IEP file reviews. The date
13 for completing the reviews has been extended to
14 January 15, 2021." Do you see that?

15 A I do.

16 Q What are the IEP file reviews that are
17 referenced here?

18 A There were -- I don't remember the full
19 expected of the file reviews.

20 Q The file reviews -- were the IEP file
21 reviews something that the directors were required
22 to complete?

23 A Yes.

24 Q Who at Rutland was responsible for
25 completing those IEP file reviews?

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1 A Myself.

2 Q And sitting here today, you don't know
3 what those IEP file reviews entailed?

4 A I don't remember all the details of
5 that -- of the file reviews. I remember that
6 generally overall, but I don't remember exactly what
7 the purpose of them were, now looking back.

8 Q So do you -- can you just tell me what you
9 do recall about those IEP file reviews, what the
10 goal of the review was?

11 A I don't remember exactly.

12 Q Okay. But you were charged with
13 conducting IEP file reviews, the ones that are
14 referenced here?

15 A Yes.

16 Q And Ms. Cleveland is -- is emailing or
17 communicating that the date for completing those
18 reviews has been extended?

19 A Correct.

20 Q So there was a deadline for completion of
21 those reviews?

22 A Yes.

23 Q Are these IEP file reviews something that
24 Rutland Academy sort of has done repeatedly?

25 A No.

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1 A Yes.

2 Q And what is that process?

3 A It is determined by, of course, the number
4 of enrollment as far as every so many years they
5 look at the number of enrollment, but also the
6 districts collaborate on the budget and how --
7 what's in our -- how the budget is being used, how
8 much is -- how many teacher allotments and staff
9 allotments are needed and things of that nature,
10 along with human resources and our finance people
11 from RESA.

12 Q And you have mentioned several times
13 during our conversation today a GNETS grant
14 application?

15 A Yes.

16 Q What is the GNETS grant application?

17 A It's an application we have to submit
18 annually to the State Department regarding how our
19 program has ran and everything that's needed -- that
20 we did within the school year, should I say, as far
21 as how many staff, the staffing pattern, the number
22 of students receiving mental health support, number
23 of students that -- I think it includes the number
24 of students that transitioned. There's several
25 different things that are included in that. But

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1 really how the program -- everything about the
2 program from that particular year. That's for the
3 GNETS grant.

4 Q And when you're providing that information
5 in connection with the GNETS grant, what is the
6 purpose of you providing that information? What are
7 you looking for?

8 A That's to -- for budget -- for budget
9 purpose for the -- from what I understand, from the
10 State Department to determine the amount of the
11 budget, the specifics -- the specific needs and what
12 have we -- have we done in -- in -- in alignment
13 with the -- the GNETS Board rule as far as what we
14 should be providing to students and supports and
15 making sure that everything is being done
16 appropriately, you know, for the students and the
17 school, whatever is related to the budget.

18 Q And then once the State Department
19 receives that grant application with all of that
20 information, then decisions are made about the
21 amount of money that Rutland Academy will get from
22 the State Department? Is that -- am I understanding
23 that correctly?

24 A Yes.

25 THE VIDEOGRAPHER: We're coming up on

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1 about an hour and half, and I have got about
2 five or six more minutes on my card at this
3 point --

4 MS. WOMACK: Yeah, let's just take a
5 break.

6 THE VIDEOGRAPHER: And we are off the
7 record at 3:39.

8 (Recess taken.)

9 THE VIDEOGRAPHER: And we are back on the
10 record at 3:51.

11 Q (By Ms. Womack) So before the break we
12 were discussing funding.

13 MS. WOMACK: And I would like to have the
14 court reporter please mark this as Plaintiff's
15 Exhibit 229.

16 (Plaintiff's Exhibit 229 was marked for
17 identification purposes.)

18 Q (By Ms. Womack) Ms. Ngeve, you have been
19 handed a document that has been marked as
20 Plaintiff's Exhibit 229. It bears the Bates stamp
21 Rutland 002910. Do you recognize this document?

22 A Yes.

23 Q What is this?

24 A This is the grant -- grant application
25 from 2021. Says, "Fiscal year: 2021," so yes.

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1 Q This is Rutland Academy's grant
2 application for the fiscal year 2021?

3 A Yes.

4 Q If you flip through this document, this
5 looks like a printout of a computer-based document.
6 Is this something that's submitted electronically?

7 A Yes.

8 Q Is this submitted through the Georgia
9 Department of Education portal?

10 A Yes.

11 Q Does this document that has been marked as
12 Plaintiff's Exhibit 229 contain the information that
13 the Rutland GNETS program submitted to the Georgia
14 Department of Education in connection with its grant
15 application for fiscal year 2021?

16 A Yes.

17 Q Who at Rutland would have been in charge
18 of submitting this information?

19 A I would.

20 Q Anyone else?

21 A Not submitting it.

22 Q Okay. Is anyone else involved in
23 compiling this information to prepare it for
24 submission?

25 A Yes.

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1 Q Who else is involved?

2 A The coordinator.

3 Q Anyone besides her?

4 A No.

5 Q And what role does your coordinator play?

6 A I apologize. Let me answer -- can I add
7 to that?

8 Q Sure.

9 A Also human resources. There -- there may
10 be -- there's additional information sometimes I
11 have to request from them to make sure it's accurate
12 for the grant application as well.

13 Q Okay. And what role does your coordinator
14 play in preparing information for submission as part
15 of this grant application?

16 A Just pulling the documents as far as the
17 mental health agencies and different things that
18 we're going to have to put in. Just pulling the
19 documents together so we can all go ahead and put
20 everything in.

21 Q Okay. Is it fair to say there is a large
22 amount of information that must be submitted in
23 connection with this grant application?

24 A Yes.

25 Q To whom is the information in this grant

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1 application submitted?

2 A It's submitted in the portal, and then
3 Vickie Cleveland and LaKesha Stevenson pretty much
4 sign -- well, they, I think, pull information from
5 there.

6 Q Okay. So this information then goes to
7 Vickie Cleveland and LaKesha Stevenson --

8 A Yes.

9 Q -- once it's submitted?

10 A Yes.

11 Q This grant application was for fiscal year
12 2021. What is the relative time frame in which this
13 grant application would have been actually submitted
14 to the Georgia Department of Education?

15 A The time frame would have been May --
16 between May -- May till the end of June, likely.

17 Q Of what year?

18 A It would have been for -- from last --
19 last year.

20 Q So for -- I just -- fiscal years confuse
21 me a little bit; so I want to be clear. This is for
22 fiscal year 2021.

23 A So then --

24 Q Is fiscal year 2021 the 2020 to 2021
25 school year?

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1 A If it was fiscal year 2021, it would have
2 been submitted in 2020 for the '21-'22 school year.
3 It would have been submitted in 2020 for the
4 following year.

5 Q So it would have been submitted in --

6 A I'm sorry. I'm sorry. No. I'm getting a
7 little -- little confused a little bit. We submit
8 it at the end of the school year with the
9 information from that current school year as we
10 prepare for the following school year.

11 Q So is it correct, then, that if this grant
12 application is for fiscal year 2021, it would have
13 been submitted in May or June of 2020 for the
14 2020-2021 school year?

15 A I don't want to say that accurate for
16 sure. Because we do it at the end of the school
17 year from the -- with the information from that
18 particular school year in preparation for the next
19 one. So when it says fiscal year 2021 --

20 Q Okay. But, in any event, the process is
21 that Rutland Academy submits its grant application
22 in May or June --

23 A Yes.

24 Q -- of each school year?

25 A Correct.

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1 Q And the information that's contained in
2 that grant application is from all of the school
3 year leading to the time when it's submitted?

4 A Correct.

5 Q Okay. And you said previously that this
6 grant application is what Rutland submits to obtain
7 state funds for its program; is that right?

8 A Yes.

9 Q Is Rutland obligated to complete all of
10 the sections of this grant application in order to
11 obtain those funds?

12 A Yeah, all -- all -- all components have to
13 be completed, yes.

14 Q And on this first page of the grant
15 application, is -- do you see the -- the text that
16 appears in blue?

17 A Yes.

18 Q Are these, kind of, categorical areas
19 summarized that then in the pages that follow
20 Rutland has provided more specific information
21 about?

22 A Yes.

23 Q I would like to direct your attention to
24 the page that bears the Bates number Rutland 002925.

25 A Okay.

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1 Q What is the -- the, sort of, category of
2 this section of the grant application that Rutland
3 completed for fiscal year 2021?

4 A The staffing pattern.

5 Q So in this grant application, Rutland
6 provides information about its staffing pattern?

7 A The staffing pattern is already in the
8 system; so we don't have to put that information in
9 there. It's normally based on what we have already
10 had as far as existing staff.

11 Q Okay. So this information gets -- does
12 this information get auto-populated?

13 A It does, based on what we had, I think
14 prior to that previously. And then we can let them
15 know if there's any changes that need to be made or
16 there's something different --

17 Q Okay.

18 A -- if I'm not mistaken on this particular
19 part.

20 Q So if there is something that's
21 inaccurate, would you notify the Georgia Department
22 of Education to let them know?

23 A Yes, yes.

24 Q Okay. And so on this page and continuing
25 on to the next page, this portion of the grant

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1 A Yes.

2 Q And so what does that mean?

3 A That it's a state grant that provides our
4 social worker.

5 Q Okay. And moving down, if you look at --
6 there's a line for GNETS teacher on this very same
7 page. Do you see that?

8 A Yes.

9 Q And then under "State Grant" for that
10 GNETS Teacher category, it says "7." Do you see
11 that?

12 A Yes.

13 Q What does that mean?

14 A That they're funded from the state grant.

15 Q If you turn over to the very next page, do
16 you see at the very bottom, it says "Grant Total"?

17 A Yes.

18 Q So this identifies the total number of
19 Rutland staff?

20 A According to this, yes.

21 Q And does this indicate that all 32 of
22 those staff are funded by the state grant?

23 A Yes, according to this document, yes.

24 Q Do you have any reason to believe that
25 this document is inaccurate?

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1 A No.

2 Q Do all of the staff members at Rutland
3 Academy continue to be funded through the state
4 grant?

5 A I'm unsure of exactly how the funding
6 sources are exactly for each position.

7 Q Okay.

8 A Other than the contract employees.

9 Q Okay.

10 MS. WOMACK: I would like to have the
11 court reporter mark this document as
12 Plaintiff's Exhibit 230.

13 (Plaintiff's Exhibit 230 was marked for
14 identification purposes.)

15 THE WITNESS: Thank you.

16 Q (By Ms. Womack) Ms. Ngeve, you have been
17 handed what has been marked as Plaintiff's Exhibit
18 230. This is a document bearing the Bates stamp
19 GA01075799. The top of this document is an email
20 from you to Vickie Cleveland. The subject is
21 "Forward: FY21 Preliminary GNETS State and Federal
22 Grant Allocations."

23 And this document indicates that there are two
24 attachments, the first of which is a PDF titled
25 "FY21 Preliminary GNETS State and Federal

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1 A Yes.

2 Q Are these the preliminary allocations that
3 you reference in your email to Ms. Cleveland?

4 A Yes.

5 Q What was the preliminary state allocation
6 amount for the Rutland Academy GNETS program as of
7 July 6th, 2020?

8 A The state amount?

9 Q Mm-hmm.

10 A \$1,549,997.

11 Q And do I understand that in your email you
12 are asking Ms. Cleveland whether this amount
13 includes funds for a social worker or whether the
14 State is separately going to cover the cost of that
15 social worker over and above the 1.549 million?

16 A Yes.

17 Q Did Ms. Cleveland ever respond to your
18 email?

19 A Yes.

20 Q What did she say?

21 A The -- the funding would still be there --
22 there's a different -- a -- a -- a therapeutic grant
23 for social worker that was still there that was not
24 included in that number.

25 Q Okay. So separate from this 1.549 million

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1 number, Rutland was a recipient of a different state
2 grant that would cover the cost of a social worker?

3 A Yes.

4 Q Does Rutland continue to receive those
5 state funds to cover the cost of its social worker?

6 A Yes.

7 Q Was the amount of state funds that Rutland
8 was actually allocated for fiscal year 2021
9 consistent with the state allocation that appears in
10 this chart?

11 A I'm not sure.

12 Q How long has the State separately been
13 funding a social worker at Rutland?

14 A I can't remember the exact number of
15 years.

16 Q What led to the State separately funding
17 that social worker?

18 A There was a need for more therapeutic
19 supports in the GNETS, and some -- several GNETS
20 didn't have one, didn't have certain positions, and
21 there was an effort for them to try to support us
22 further in making sure that we had those therapeutic
23 services.

24 Q Okay. And so prior to this date
25 separately funding the social worker for Rutland,

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1 did Rutland have a social worker on staff?

2 A No. Not at that time.

3 Q Okay. For the social worker that the
4 State funds, does Rutland have to retain that social
5 worker from an approved provider?

6 A They give -- no, not -- not -- we don't
7 have to from a -- from an approved provider.

8 Q So you can retain that social worker from
9 anywhere you want?

10 A Yes.

11 Q What is EDUHealth?

12 A EDUHealth is the company that staffed the
13 social worker.

14 Q Are you familiar with Staff Rehab?

15 A I'm vaguely familiar with it but not as
16 far as working with them.

17 MS. WOMACK: I would like to have this
18 document marked as Plaintiff's Exhibit 231.

19 (Plaintiff's Exhibit 231 was marked for
20 identification purposes.)

21 Q (By Ms. Womack) Ms. Ngeve, you have been
22 handed what has been marked as Plaintiff's Exhibit
23 231. This document bears the Bates stamp
24 GA00348031. This is an email exchange, the most
25 recent of which is from you to Vickie Cleveland,

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1 Q And is that the GNETS strategic plan?

2 A Yes.

3 Q Who drafted the GNETS strategic plan?

4 A The State Department in addition to some
5 of the GNETS directors had input on it as well.

6 Q And I believe you mentioned earlier that
7 there are six components of the GNETS strategic
8 plan; is that right?

9 A Yes.

10 Q Is there any part of the strategic plan
11 that contains goals for the reduction of segregated
12 placements?

13 A That wording is not familiar to me.

14 Q Okay. Is the Rutland Academy GNETS
15 program obligated to comply with the GNETS strategic
16 plan?

17 A Yes.

18 Q And just sort of from a very big picture
19 level, how does Rutland comply with the strategic
20 plan? What is that process?

21 A We're ensuring that each of the components
22 are being implemented with fidelity, and we're also
23 keeping the data on those particular -- each -- each
24 of the six parts of the strategic plan. And we're
25 meeting as a leadership team to discuss those. We

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1 discuss those components during staff meetings as
2 well. And I also share that information with our
3 LEAs when I -- when I meet monthly for LSEAC.

4 Q Does Rutland have to report information
5 about its implementation of those six components of
6 the GNETS strategic plan?

7 A Yes.

8 Q And who is that information reported to?

9 A Vickie and LaKesha. Vickie Cleveland and
10 LaKesha Stevenson.

11 Q Are there standardized categories of
12 information within that that have to be reported?

13 A Each of the categories have to be -- have
14 to be -- be reported or shared.

15 Q Okay. And who establishes what
16 information within those categories have to be
17 reported or shared?

18 A LaKesha and Vickie -- LaKesha Stevenson
19 and Vickie Cleveland send the information out to us
20 as far as who is going to -- what information has to
21 be in each of those areas.

22 But it also goes back to the strategic plan
23 specifically based on what the input was from some
24 of the GNETS directors as well as them -- as far as
25 what goes in each category is filled out on there,

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1 as far as how we -- like, we have done with each one
2 of those.

3 Q Okay. So the leadership team and the
4 staff -- you all rate yourselves initially?

5 A Correct. Based on the strategic plan.

6 Q Okay. Is there any process by which those
7 self-ratings are then reviewed by anyone else?

8 A Yes.

9 Q And what is that process?

10 A If it's -- if it's our year to have a --
11 to do a strategic plan in person where they're
12 coming to monitor ours -- because it rotates as far
13 as, if you're a new director, you have certain --
14 certain number of years that you're -- you're
15 definitely going to be -- get the site visit where
16 they're going to come and actually review the
17 strategic plan with you; so they go through all the
18 documents at that time.

19 Q When you say they are going to come and
20 they go through documents at that time, who is
21 "they"?

22 A Vickie Cleveland and LaKesha Stevenson.
23 And sometimes it's one or the other.

24 Q Okay. And so there are some years where
25 Rutland will have an in-person visit --

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1 A Correct.

2 Q -- from Ms. Cleveland or Ms. Stevenson --

3 A Correct.

4 Q -- to review your self-ratings on the
5 self-assessment?

6 A Yes. As well as the artifacts for the
7 strategic plan.

8 Q And when you say the artifacts for the
9 strategic plan, is that documentation showing
10 whether you have complied with those six components
11 of the strategic plan?

12 A Yes.

13 Q And so Ms. Cleveland and Ms. Stevenson, if
14 they come on-site, then, will review those
15 artifacts? Am I understanding that right?

16 A Yes.

17 Q Who participates in that on-site review
18 with Ms. Cleveland and Ms. Stevenson when they come
19 for Rutland? Who from Rutland participates in that?

20 A Members of the leadership team.

21 Q And so if I -- if I remember correctly,
22 that's you and your coordinator; correct?

23 A We're part of the leadership team, yes.

24 Q And the leadership team also includes the
25 intensive interventionist?

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1 A Correct.

2 Q I believe there is one more member of the
3 leadership team. Am I missing someone?

4 A There's grade-level chairs as well as the
5 social worker.

6 Q Okay. So all of those individuals would
7 participate in the on-site review with Ms. Cleveland
8 and Ms. Stevenson?

9 A Not all. It just depends on what time
10 period and if the teachers can be out of the
11 classroom.

12 Q Okay. Would you participate in that
13 on-site review --

14 A Yes.

15 Q -- with Ms. Cleveland and Ms. Stevenson?

16 A Yes.

17 Q In all aspects of that?

18 A Yes.

19 Q Do Ms. Cleveland and Ms. Stevenson ask
20 questions of you or your leadership team when they
21 are present for an on-site as part of the GNETS
22 strategic plan process?

23 A Yes.

24 Q Do they ever request that Rutland provide
25 additional artifacts beyond those that Rutland may

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1 have already collected?

2 A Yes.

3 Q Does Rutland collect that information and
4 provide it when requested?

5 A Yes.

6 Q Does anything -- apart from what we have
7 already discussed in terms of meetings and
8 discussions and the review of artifacts when
9 Ms. Cleveland or Ms. Stevenson come for an on-site
10 review, what else do Ms. Cleveland or Ms. Stevenson
11 do when they're here for an on-site review?

12 A They take a tour of the school. They
13 see the -- they see the classrooms. They see how
14 students are responding to things that are -- that
15 are going on in the school. They just take a tour
16 and, you know, get an idea, you know, of what's
17 really happening, the climate and culture of the
18 school, of -- of Rutland Academy.

19 Q Do they sit in and -- and conduct
20 classroom observations?

21 A No.

22 Q They just tour the actual facility?

23 A Correct. During the site -- during the
24 strategic plan review, they will just tour --

25 Q Okay.

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1 A -- first.

2 Q How long are they on-site when they come
3 for a strategic plan review?

4 A It varies.

5 Q What is -- on the low end, how long are
6 they on-site?

7 A Five hours.

8 Q And on the high end, how long are they
9 on-site?

10 A Seven hours.

11 Q So a full day on the high end?

12 A Yes.

13 Q Okay. Is there any goal-setting as part
14 of the on-site review with Ms. Cleveland or
15 Ms. Stevenson?

16 A Were there -- are you asking are they
17 asking us to develop goals?

18 Q Yeah, or if there's any conversation about
19 goals for Rutland during those on-site reviews.

20 A Not particular -- no.

21 Q Okay. Do Ms. Cleveland or Ms. Stevenson
22 give Rutland feedback during the on-site review?

23 A No.

24 Q You mentioned that there are artifacts
25 that are provided to demonstrate compliance with

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1 (Plaintiff's Exhibit 235 was marked for
2 identification purposes.)

3 MS. WOMACK: And then I would like to have
4 this document marked as Plaintiff's Exhibit
5 236.

6 (Plaintiff's Exhibit 236 was marked for
7 identification purposes.)

8 Q (By Ms. Womack) Ms. Ngeve, the court
9 reporter has handed you three documents marked
10 Plaintiff's Exhibit 234, 235, and 236. Plaintiff's
11 Exhibit 234 is a document bearing the Bates stamp
12 Rutland 00610. Plaintiff's Exhibit 235 is a
13 document bearing the Bates stamp Rutland 00611.
14 Plaintiff's Exhibit 236 is a document bearing the
15 Bates stamp Rutland 000614.

16 Starting first with Plaintiff's Exhibit 234, do
17 you recognize this document?

18 A Yes.

19 Q And this is a letter from Vickie Cleveland
20 to you dated December 7, 2020; is that correct?

21 A That's correct.

22 Q This letter references that GNETS
23 strategic plan that we have been discussing?

24 A Yes.

25 Q It notes, if you look in -- at the second

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1 sentence in the first paragraph, it says, "GaDOE
2 developed and provided a rubric and guidance to
3 assess how well each component of the plan was
4 implemented in FY20." Do you see that?

5 A Yes.

6 Q Did you receive the rubric and guidance
7 that's mentioned here?

8 A Yes.

9 Q Who did you get that rubric and guidance
10 from?

11 A I believe it was from Vickie Cleveland.

12 Q Did you use that rubric and guidance in
13 self-assessing how well each component of the GNETS
14 strategic plan was implemented at Rutland in FY20?

15 A Yes.

16 Q Okay. Moving on to Plaintiff's Exhibit
17 235, do you recognize this document, Ms. Ngeve?

18 A Yes.

19 Q What is this document?

20 A The results -- our strategic plan results
21 on the rubric in 2020.

22 Q Okay. Do these ratings reflect the final
23 ratings for the Rutland Academy GNETS program after
24 any strategic plan review with the State Department
25 of Education?

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1 A Yes.

2 Q Am I correct that in the strategic plan
3 results, Rutland was rated "Operational" in all
4 areas except for one?

5 A Correct.

6 Q What was the area where Rutland was not
7 rated "Operational"?

8 A In transitioning from GNETS services.

9 Q And what does "transitioning from GNETS
10 services" mean?

11 A Being -- going back to traditional school
12 settings as far as in that particular setting,
13 just -- like, how students transition back to their
14 traditional school settings.

15 Q Okay. What was Rutland rated in that
16 area?

17 A "Emerging."

18 Q What was the basis for the "Emerging"
19 rating for transition from GNETS services?

20 A It indicated that some of our activities
21 that were required were accomplished consistently
22 with sources of evidence to support implementation
23 for this action item. However, the feedback that we
24 also got was that they're interested in us working
25 with the districts to see if there are going to be

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1 more -- like, any site locations in the districts so
2 that, when students leave our setting, that they go
3 back into potentially a GNETS-type classroom within
4 the school systems.

5 Q Okay. And when you say "they," who are
6 you referring to?

7 A Ms. Cleveland and Ms. Stevenson.

8 Q Okay. When did Rutland last receive
9 strategic plan results? What was the most recent
10 year?

11 A I believe -- I believe this was our most
12 recent one, because COVID happened the next school
13 year. I believe, if I'm not mistaken, that this was
14 the most recent.

15 Q Okay. When there is not an on-site review
16 with the Georgia Department of Education, is there
17 any sort of virtual meeting or review that you have
18 with Ms. Cleveland or Ms. Stevenson?

19 A Some GNETS, yes.

20 Q And what about Rutland?

21 A We didn't have a virtual one for the
22 following year.

23 Q Okay. Did you -- for those years when you
24 didn't have a virtual review, did you still complete
25 the strategic plan self-assessment process?

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1 changed to the "Rutland Collaborative Council"?

2 A Correct.

3 MS. WOMACK: I would like to have this
4 document marked as Plaintiff's Exhibit 238.

5 (Plaintiff's Exhibit 238 was marked for
6 identification purposes.)

7 THE WITNESS: Thank you.

8 Q (By Ms. Womack) Ms. Ngeve, you have been
9 handed what's been marked as Plaintiff's Exhibit
10 238. This is a document bearing the Bates stamp
11 Rutland 000090. Do you recognize this document?

12 A Yes.

13 Q What is this?

14 A It's a Rutland advisory meeting minutes.

15 Q And these are -- well, what is the date of
16 the advisory meeting for which these are meeting
17 minutes?

18 A 5/15/19.

19 Q And is this meeting a meeting of the same
20 advisory board that was the subject of the meeting
21 with Ms. Cleveland and Keith Everson and Suzanne
22 Korngold that we just discussed?

23 A Yes.

24 Q If you look a third to a half of the way
25 down this first page, do you see where it says,

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1 "Strategic plan was a success - won't get scores
2 until June"?

3 A Yes.

4 Q It then says, "The audit is complete and
5 they chose files at random. For the most part the
6 audit went well." Do you see that?

7 A Yes.

8 Q What audit does this refer to?

9 A It was the review. It was the -- it was
10 the strategic plan review.

11 Q And that's a review conducted by the
12 Georgia Department of Education?

13 A Yes.

14 Q This goes on to say, "The DOE found a
15 couple of situations that they had questions about
16 but for the most part we are following policy and
17 procedure." Do you see that?

18 A Yes.

19 Q Was the State DOE looking for compliance
20 with policy and procedure in the audit that's
21 referenced here?

22 A Yes. That's in the strategic plan review.

23 Q Moving down a couple more bullet points,
24 do you see where it says, "Districts must
25 communicate to our schools and teachers that when a

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1 A This is a Rutland -- the Rutland Academy
2 update for LSEAC for January 24th, 2020.

3 Q Okay. Can you turn to the second page of
4 this?

5 A Yes.

6 Q Under "Student Partial Transitions-
7 Reintegration to Home District" -- do you see that
8 section?

9 A Yes.

10 Q And it says, "Currently there is 1 student
11 on a partial transition"?

12 A Yes.

13 Q Do you know if that student ever
14 transitioned fully back to their home school system?

15 A Yes, the student did.

16 Q Is this also an update that you prepared
17 yourself?

18 A Yes.

19 MS. WOMACK: Okay. I would like to have
20 this document marked as Plaintiff's Exhibit
21 241.

22 (Pleading's Exhibit 241 was marked for
23 identification purposes.)

24 THE WITNESS: Thank you.

25 Q (By Ms. Womack) Ms. Ngeve, you have been

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1 handed what's been marked as Plaintiff's Exhibit
2 241. This is a document Bates-stamped Rutland
3 000002.

4 A Yes.

5 Q Do you recognize this document?

6 A Yes.

7 Q What is this?

8 A This is an update that was provided for
9 the Board of Control.

10 Q And what is the Board of Control?

11 A Those are the 13 superintendents that are
12 the Board of Control for the Northeast Georgia RESA.

13 Q And is that the governing body for
14 Northeast Georgia RESA?

15 A It is.

16 Q Did you prepare this document?

17 A I did.

18 Q Did you routinely prepare Rutland Academy
19 updates for the Board of Control?

20 A As requested.

21 Q Okay. So this would have been prepared in
22 response to a specific request by the Board of
23 Control?

24 A A request from our former executive
25 director as he was preparing to meet with the Board

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1 of Control for the beginning of the school year.

2 Q Okay. And this update provides, on the
3 second page, a snapshot of Rutland staffing as of
4 the time of the update; is that right?

5 A That's correct.

6 Q If you turn to the second-to-last page, do
7 you see the section entitled "Referral Process"?

8 A Yes.

9 Q In this first bullet point, it says,
10 "Celest and Latoya vet the referrals with the
11 Guidance for GNETS Placement standardized questions
12 and provide districts with feedback before
13 scheduling an IEP meeting. If the team at Rutland
14 feels the review needs to be expanded, the
15 Collaborative Council can assist as needed. Set
16 criteria for referral packet must be followed."

17 Do you see that?

18 A Yes.

19 Q This initial vetting -- is this the
20 process that we discussed earlier that you go
21 through when students are referred to Rutland
22 Academy for consideration of GNETS services?

23 A Yes.

24 Q What does it mean when this says, "If the
25 team at Rutland feels the review needs to be

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1 expanded, the Collaborative Counsel can assist as
2 needed"?

3 A If we feel like there is additional --
4 additional supports that might be needed -- needed
5 for that particular student or that particular
6 teacher, that particular school, the Collaborative
7 Council may have some suggestions, if it's for that
8 particular district or even if it's for another
9 district, of ways that we can possibly provide
10 support or ways that may have been helpful for their
11 teachers to get support when there may not have been
12 all the pieces that are in the referral that were
13 there.

14 Q And then this says, "Set criteria for
15 referral packet must be followed." Do you see that?

16 A Yes.

17 Q What is that set criteria?

18 A The criteria from the GNETS Board rule as
19 far as the consideration, the student information
20 packet, as well as a consultation. Like, we have to
21 follow what's in alignment with the board rule for
22 those documents.

23 Q Okay.

24 MS. WOMACK: I would like to have this
25 document marked as Plaintiff's Exhibit 242.

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1 But it's just a moment to give them an
2 opportunity to get away from the setting and
3 de-escalate.

4 Q Okay.

5 MS. WOMACK: I would like to mark this
6 document as Plaintiff's Exhibit 235 [sic].

7 (Plaintiff's Exhibit 245 was marked for
8 identification purposes.)

9 THE WITNESS: Thank you.

10 Q (By Ms. Womack) Ms. Ngeve, you have been
11 handed what's been marked as Plaintiff's Exhibit 235
12 [sic].

13 A Yes.

14 Q This is a document bearing the Bates stamp
15 GA00334101.

16 A Yes.

17 Q This is an email from you to Vickie
18 Cleveland dated September 26, 2018, with a copy to
19 several others. Do you recognize this document?

20 A Yes.

21 Q Your email response to an earlier email
22 that Ms. Cleveland sent; is that correct?

23 A That's correct.

24 Q And in her email, she says, "I have
25 attached the monthly log that must be submitted to

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1 GaDOE via portal email for therapeutic services
2 provided by your social workers. Social workers
3 should submit this information to you to upload in
4 the portal on the 1st day of the month."

5 It then goes on to say, "LCSWs/LMSWs should
6 provide the student name, type of intervention that
7 was provided to students and the date of
8 intervention." Do you see that?

9 A Yes.

10 Q Did Rutland Academy complete the log that
11 Ms. Cleveland provided after receiving this email?

12 A Yes.

13 Q Does Rutland continue to submit these logs
14 to the Georgia Department of Education via portal?

15 A Yes.

16 Q Are those submitted on a monthly basis?

17 A Yes.

18 Q Does anyone from the Georgia Department of
19 Education ever follow up with you regarding the
20 social worker logs that Rutland has submitted?

21 A Yes.

22 Q And in what instances would they follow up
23 with you?

24 A They may follow up to let us know either
25 they haven't received it yet, or they may let us

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1 know -- follow up with us to let us -- ask us about,
2 like, when we first -- the first time we did it, we
3 were -- the social worker was being a little bit too
4 in-depth, and they really wanted more of an
5 overview. They didn't want to know all the details
6 of all the specific things that they talked about
7 with the student; so they were providing too much
8 information, basically.

9 Q Okay.

10 A And, you know, they wanted -- out of
11 respect for confidentiality, they wanted to just
12 kind of know, you know, the general overview of what
13 they did in those sessions with the students, so --

14 Q Okay.

15 A -- yes.

16 MS. WOMACK: And I would like to have this
17 marked as Plaintiff's Exhibit 236 [sic].

18 (Plaintiff's Exhibit 246 was marked for
19 identification purposes.)

20 THE WITNESS: Thank you.

21 Q (By Ms. Womack) You have been handed what
22 has been marked as Plaintiff's Exhibit 236 [sic].
23 This is a document bearing the Bates stamp
24 GA00343329.

25 A Yes.

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1 Q Do you recognize this document?

2 A Yes.

3 Q Is this an example of the Georgia
4 Department of Education following up with you
5 regarding the content of the social worker logs that
6 are being submitted on behalf of Rutland to the
7 Department of Education?

8 A Yes.

9 Q Okay. And in this particular email, does
10 Ms. Cleveland convey concern that a particular
11 social worker log doesn't have the therapeutic
12 interventions documented?

13 A Yes.

14 Q Okay. Did you call and have a
15 conversation with Ms. Cleveland about this?

16 A Yes.

17 Q And what was the outcome of that
18 conversation?

19 A The social worker just had to indicate --
20 they were -- they were putting the interventions in
21 the wrong way. They weren't putting them in the
22 interventions box. And they were putting them in
23 the wrong location; so they had to revise it and
24 resubmit it to me. And then I had to resubmit it to
25 them -- to Vickie Cleveland.

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1 Q Okay.

2 A Through the portal.

3 MS. WOMACK: I would like to have this
4 document marked as Plaintiff's Exhibit 237
5 [sic].

6 (Plaintiff's Exhibit 247 was marked for
7 identification purposes.)

8 Q (By Ms. Womack) Ms. Ngeve, you have been
9 handed what's been marked as Plaintiff's Exhibit 237
10 [sic]. This is a document that bears the Bates
11 stamp Rutland 000579.

12 A Yes.

13 Q Are you familiar with this document?

14 A Yes.

15 Q What is this document?

16 A This is our school improvement plan for --

17 Q Who --

18 A -- for Rutland -- for Rutland Academy.

19 Q Who generated this document?

20 A Myself. I did.

21 Q Was this improvement plan developed in --

22 MR. MURPHY: We're up to 247; right? Is
23 that what we're on? 247?

24 THE WITNESS: That's what I have, yeah.

25 MS. WOMACK: Oh, 247. I'm sorry.

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1 after the site visits?

2 A No.

3 Q Did you have any conversations after the
4 site visits with anyone from the Georgia Department
5 of Education or any of the other GNETS directors?

6 A Not any of the -- any of the attorneys
7 representing Georgia. But some of the GNETS
8 directors did talk about -- we talked about our --
9 like, that we had the site visits and how long they
10 lasted and things of that nature, so yes.

11 Q Okay. Are you familiar with the Apex
12 program?

13 A I'm not.

14 Q Okay. And I think one final question.
15 You mentioned i-Ready earlier. Is Rutland required
16 to use i-Ready for a specific number of minutes each
17 week?

18 A Yes.

19 (Alarm sounding.)

20 Q (By Ms. Womack) How many minutes is that?

21 A Ninety.

22 Q Okay. And where does that requirement
23 come from?

24 A The State Department says 45 minutes, ELA;
25 45 minutes, math.